REMARKS

This is intended as a full and complete response to the Final Office Action dated July 22, 2005, having a shortened statutory period for response set to expire on October 22, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1, 2, 4-11, 13, 14, 17 and 18 remain pending in the application after entry of this response. Claims 1, 4, 6, and 11-13 have been amended and claims 3 and 12 have been cancelled (in this response) by Applicants without prejudice. No new matter has been added by the amendments. Claims 1 and 11 have been amended to incorporate claims 3 (with a slight modification) and 12, respectively. Therefore, no new issue requiring a new search is being raised by the amendments.

Claims 1, 3-7, 9, 11-14, 17 and 18 are rejected under 35 USC §102(b) as being anticipated by Inoue (U.S. Pat. No. 6,311,767). Claim 2 is rejected under 35 USC §103(a) as being unpatentable over Inoue in view of Bartley (U.S. Pat. No. 6,084,775). Claims 8 and 10 are rejected under 35 USC §103(a) as being unpatentable over Inoue. Reconsideration of the claims is requested for reasons presented below.

Claim Rejections – 35 USC §102

Claims 1, 3-7, 9, 11-14, 17 and 18 are rejected under 35 USC §102(b) as being anticipated by Inoue. As the rejection of claims 3 and 12 may now apply to amended claims 1 and 11, respectively, Applicant respectfully traverse the rejection.

Inoue does not teach, suggest, or disclose, either a "heat sink lid ... configured to leave a portion of the air channel uncovered," wherein " the uncovered portion of the air channel reduces air flow noise produced by the system during operation," as recited in claim 1, or a "heat sink lid configured ... such that a portion of an air channel in the heat sink assembly is left uncovered, wherein ... the uncovered portion of the air channel and the heat sink lid reduce air flow noise when the heat sink assembly operates to cool the processor," as recited in claim 11.

Inoue discloses a computer fan assembly 10 configured to satisfy the confined space requirements of and to provide adequate cooling capacity for a laptop CPU 78. Inoue's basic teaching is to use an oil filled heat pipe 20 to transfer heat from laptop

CPU 78 to system 10. In doing so, system 10 is able to satisfy the stringent height requirement H (see Fig. 7) of the laptop computer 72 (as opposed to installing system 10 on top of laptop CPU 78). Thus, Inoue's concern is with cooling capacity and space requirements of/for cooling system 10.

The Examiner cites Fig. 1 as showing heat sink lid 36 (part of housing 12, labeled separately in other figures) as leaving a portion of channels 58 uncovered. The Examiner asserts that this uncovered portion may reduce airflow noise. But this assertion by the Examiner is completely speculative since Inoue is completely silent regarding noise reduction. In fact, the teaching of Inoue appears to undermine the Examiner's position. Figs. 1 and 4 illustrate that the lid 36 covers a substantial portion of the channels 58. Figs. 6 and 7 illustrate the assembly 10 installed in a laptop computer 72 adjacent to and partially within an opening 76 in the enclosure 74 of the laptop computer 72. Fig. 7 illustrates that the enclosure 74 covers the portion of the channels 58 left uncovered by lid 36. As discussed in the Application (paragraphs [0006] and [0017]), the claimed heat sink lid purposefully does not substantially cover the air channels of the claimed heat sink assembly because when those air channels are substantially covered, as is disclosed in Inoue, a standing wave forms in the air channels during system operation that causes an elevated level of noise. Thus, contrary to the Examiner's unsupported conclusion, the design set forth in Inoue more likely than not will allow a standing wave to form, thereby increasing the noise of system 10 during operation.

For these reasons, Applicant submits that Inoue does not teach each and every limitation of claims 1 and 11 and, therefore, these claims are patentable over Inoue. Further, since claims 2, 4-10, 17, and 18 depend from allowable claim 1, and 13 and 14 depend from allowable claim 11, these claims also are patentable over Inoue.

Claim Rejections – 35 USC §103

Claim 2 is rejected under 35 USC §103(a) as being unpatentable over Inoue in view of Bartley. Bartley discloses nothing more than a heat sink 41 having a low melting point release layer 47. Thus, Bartley fails to cure the deficiencies of Inoue set forth above with respect to claim 1. Therefore, claim 1 is patentable over Inoue in view

of Bartley. Claim 2 is also patentable over Inoue in view of Bartley since it depends from claim 1.

Claims 8 and 10 are rejected under 35 USC §103(a) as being unpatentable over Inoue. As discussed above, amended claim 1 is patentable over Inoue and claims 8 and 10 are also patentable over Inoue since they depend from claim 1.

Conclusion

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

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